

United States Court of Appeals  
For the Eighth Circuit

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No. 13-1722

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United States of America

*Plaintiff - Appellee*

v.

Jorge Padilla Villagrana

*Defendant - Appellant*

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Appeal from United States District Court  
for the Southern District of Iowa - Des Moines

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Submitted: August 29, 2013

Filed: August 29, 2013

[Unpublished]

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Before WOLLMAN, GRUENDER, and BENTON, Circuit Judges.

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PER CURIAM.

Jorge Padilla Villagrana directly appeals the below-Guidelines-range sentence the district court<sup>1</sup> imposed after he pled guilty to an immigration offense. His counsel

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<sup>1</sup>The Honorable James E. Gritzner, Chief Judge, United States District Court for the Southern District of Iowa.

has moved to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that Villagrana's 30-month prison term is unreasonable.

The district court appropriately considered the 18 U.S.C. § 3553(a) factors and adequately explained its decision to sentence Villagrana to 30 months in prison. *See United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (when reviewing sentences, appellate court applies deferential abuse-of-discretion standard, ensuring that district court committed no significant procedural error such as failing to adequately explain chosen sentence, and that court did not impose substantively unreasonable sentence); *see also United States v. Spencer*, 700 F.3d 317, 322 (8th Cir. 2012) (finding it nearly inconceivable that district court abused its discretion in not further varying downward). This court concludes that the district court did not impose an unreasonable sentence.

Having reviewed the record under *Penon v. Ohio*, 488 U.S. 75 (1988), this court has found no nonfrivolous issues.

Counsel's motion to withdraw is granted and the sentence is affirmed.

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